IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17937 of 2004

Between:

1 Takasi Atchayyamma W/o. Venkatarao,
R/o. B.C. Colony, Kasimkota Village and Mandal, Visakhapatnam District.
2 Garikipati Nookaratnam, W/o. Satyanarayana,
R/o. Vaddadi Village, Butchaiahpeta Mandal, Visakhapatnam District.

..... PETITIONERS

AND

1 The Joint Collector, Visakhapatnam, Visakhapatnam District.
2 The Revenue Divisional Officer, Visakhapatnam, Visakhapatnam District.
3 The Mandal Revenue Officer, Butchayyapeta Mandal, Visakhapatnam District.
4 Donda Narayana Murthy S/o. Appannadora,
R/o. Vaddadi Village, Butchaihpeta Mandal, Visakhapatnam District.
5 Donda Sriramamaurthy, S/o. Appannadora,
R/o. Vaddadi Village, Butchaihpeta Mandal, Visakhapatnam District.
6 Donda Satyanarayana, S/o. Appannadora,
R/o. Vaddadi Village, Butchaihpeta Mandal, Visakhapatnam District.
7 Donda Narayanamurthy @ Babu, 53, S/o Jagannadham,
R/o. Vaddadi Village, Butchaihpeta Mandal, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the Respondents 1 and 2 in ordering the 3rd respondent through their proceedings D.Dis.No.1861/03-D2, Dt. 25.8.2004 and in A.S.1659/2001-E, Dt. 25.3.2003 respectively to cancel the entries made in the

pattadar pass books and title deeds issued to the petitioners at S.No.4 to 7 relating to S.No.27/2,27/3 and 17/4 of Vaddadi village and their further direction to the 3rd respondent to issue fresh pass books/title deeds is illegal, arbitrary, unjust and violative of principles of natural justice and consequently direct the 3rd respondent not to cancel the said entries in the said pattaar pass books and title deeds of the petitioners since they along have the right, title, possession and enjoyment to the said items of land and the same was established many a time before various authorities.

Counsel for the Petitioner: MR.K.A.NARASIMHAM

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the action of respondents 1 and 2 in ordering the 3rd respondent through their proceedings D.Dis.No.1861/03-D2, dated 25-08-2004, and in A.S.1659/2001-E, dated 25-03-2003, respectively, to cancel the entries made in the pattadar pass books and title deeds issued to the petitioners relating to Sy.Nos.27/2, 27/3 and 17/4 situated at Vaddadi village and their further direction to the 3rd respondent to issue fresh pass books/title deeds, as illegal and arbitrary, and consequently, direct the 3rd respondent not to cancel the said entries in the said pattadar pass books and title deeds of the petitioners.

Learned counsel for the petitioners submits that against granting of pattadar pass books and title deeds in favour of the petitioners by the Village Administrative Officer, respondents 4 to 7 filed three suits before the Court of Principal Junior Civil Judge, Chodavaram, in O.S.Nos.137, 142 and 148 of 1997, respectively, seeking relief of perpetual injunction, and after full trial, all the three suits were dismissed. While pending the above suits, respondents 4 to 7 also filed W.P.No.4662 of 2001, before this Court, and the same was disposed of, directing them to prefer an appeal before the Revenue Divisional Officer. Thereafter, they preferred an appeal before the 2nd respondent-Revenue Divisional Officer, who allowed the same, through

order, dated 25-03-2003. Aggrieved thereby, the petitioners carried the matter in revision before the 1st respondent, which was disposed of through proceedings, dated 25-08-2004, confirming the order of the 2nd respondent. Now, the learned counsel for the petitioners contends that the 1st respondent without taking into consideration, the dismissal of the suits filed by respondents 4 to 7 and evidence which was recorded by the 2nd respondent, confirmed the order of the 2nd respondent, which was passed behind the back of the petitioners, and therefore, the same cannot be made basis for cancelling the pattedar pass books issued in favour of the petitioners and hence, the same is liable to be set aside.

On a perusal of the material available on record, it is seen that the 1st respondent-Joint Collector had elaborately discussed all the grounds raised by the petitioners including the effect of the dismissal of the suits, which were filed for permanent injunction restraining the defendants, wherein the civil Court has not decided the rights of the parties or title to the properties. Further, it is stated that the petitioners, who are the daughters of Donda Ramanna Dora, have sold the lands covered by Sy.No.27/2, Ac.0-14 cents and Sy.No.27/3, Ac.0-70 cents to Smt.Donda Varalakshmi, W/o Sriramamurty, by registered sale deed No.303, dated 22-02-1965. Out of the remaining land of Ac.0-40 cents in Sy.No.17/4, Sri Ramanna Dora has given Ac.0-20 to his daughter-in-law Smt.Donda Suridamma vide registered settlement deed No.501, dated 22-02-1965 and the remaining land was given to his two daughters at Ac.0-10 cents each vide registered settlement deed, dated 11-08-1966. On considering the documentary evidence adduced by the parties, the 1st respondent held that the petitioners are having right over Ac.0-10 cents each in Sy.No.17/4 only and are not having any right in the land in Sy.No.27/2 and 27/3. Hence, the appellate authority has rightly dismissed the revision, through order, dated 25-08-2004, directing the Mandal Revenue Officer to cancel the pattedar pass books issued in favour of the petitioners and issue fresh pattadar pass books with correct extents of the lands on which they are having title, ownership and enjoyment with reference to the records.

Taking the totality of the circumstances into account, I see no illegality or irregularity in the order of the 1st respondent-Joint Collector, confirming the order of the 2nd respondent-Revenue Divisional Officer, warranting inference by this Court sitting under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No order as to costs.

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A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1 The Joint Collector, Visakhapatnam, Visakhapatnam District.
2 The Revenue Divisional Officer, Visakhapatnam, Visakhapatnam District.
3 The Mandal Revenue Officer, Butchayyapeta Mandal, Visakhapatnam District.
4. 2CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

5. 2CD copies